

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Disciplinary Proceedings initiated against Sri G. Augustine, Assistant Commercial Tax Officer, Jogipet, Medak Circle for committing certain irregularities - Charges framed - Enquiry conducted - Expired on 29-01-2007 - Further action abated - Orders - Issued.

REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 173

Dated:31 -01-2013

Read the following :

1. Charge Memo No. EI/1398/2001-1, Dated 29.12.2001 of the Deputy Commissioner, CT, Hyderabad (Rural) Division, Hyderabad.'
2. From Sri G. Augustine, Assistant Commercial Tax Officer, written statement of defence, dated: Nil.
3. Proceedings of the Deputy Commissioner, CT, Hyderabad (Rural) Division No. E1/1398/01, Dated 16.2.2004.
4. Enquiry Report of the Commercial Tax Officer, Siddipet, No. A1/40/2004, Dated: 30.8.2004.
5. From the Commissioner, CT, Hyderabad, Letter No. V2/1269/2001-1, Dt: 25.9.2010.
6. Govt. Memo No.46797/Vig. I(1)/2010, Dated: 5.12.2011.
7. From the Commissioner, CT, Hyderabad, Letter No. V2/1269/2001, Dated 7.1.2012.

ORDER:

In the reference 1st read above, the Deputy Commissioner, Commercial Taxes, Hyderabad (Rural) Division, Hyderabad framed the following charges against Sri G. Augustine, Assistant Commercial Tax Officer for committing certain irregularities while he was working as Assistant Commercial Tax Officer, Jogipet with a direction to submit his written statement of defence :

Charge-I : That he has not taken any steps for issuing Registration Certificate in respect of M/s. Shakti Electricals & Ceramics Pvt. Ltd., Mumbapur since 8.9.1998 under APGST and CST Acts.

Charge-II: That he has not collected monthly returns along with taxes due thereon as an amount of Rs.12.50 lakhs is to be collected from the said dealer.

Charge-III : That he has not brought the matter to the notice of superior officers ie., the Commercial Tax Officer, Medak or the Deputy Commissioner, CT, Nizamabad.

Charge IV : When the turnover of the said dealer have recorded more than Rs.2.00 lakhs, he has not transferred the assessment files received from the Ferozguda Circle Office to the concerned Deputy Commercial Tax Officer or Commercial Tax Officer of Medak Circle, for further action.

2. In the reference 2nd read above, the Charged Officer submitted his written statement of defence and in the reference 3rd read above, the Deputy Commissioner, CT, Hyderabad (Rural) Division, Hyderabad appointed the Commercial Tax Officer, Siddipet as the Inquiring Authority to conduct inquiry

P.T.O.,

into the charges framed against Sri G. Augustine, Assistant Commercial Tax Officer and also against his successor Assistant Commercial Tax Officer ie., Sri S. Gangadhar.

3. In the reference 4th read above, the Inquiring Authority has furnished his enquiry report and among others, in respect of Sri G. Augustine, Assistant Commercial Tax Officer, the Inquiring Authority has held that the Charges-I, III & IV are held proved and Charge-II is not held proved.

4. In the reference 5th read above, the Commissioner, Commercial Taxes, Hyderabad has furnished a report to Government, stating that Sri G. Augustine, Assistant Commercial Tax Officer expired on 29.1.2007 while in service and requested to take further action.

5. In the reference 7th read above, the Commissioner, Commercial Taxes, Hyderabad has furnished the further report of the Deputy Commissioner, CT, Nizamabad, wherein it has been reported that the area officers collected tax of Rs.18,92,663/- from the Dealer subsequently and there is no loss.

6. Government have examined the matter keeping in view the findings of the Inquiring Authority and observe that the procedural lapses were found substantiated against him, however no penalty could be imposed against him since death abates further proceedings. With regard to Charge-II ie., his failure to collect taxes from the Dealer resulting in loss, the Inquiring Authority has held that the Charged Officer issued two notices to the Management on 2.12.1998 and 12.12.1998 to file monthly returns and pay arrears and also visited the premises of the Dealer on 2.12.1998 and put in efforts for collection of arrears and held that the charge is held not proved. Further, as per the report received in the reference 7th read above, the tax was also collected from the Dealer and there is no financial loss to the Government.

7. Hence, the Government after careful consideration, hereby abate further action against Late G. Augustine, Assistant Commercial Tax Officer in the case.

8. The Commissioner, Commercial Taxes, A.P, Hyderabad shall take necessary action to release pension and pensionary benefits of the deceased to the legal heirs, if no other Government dues are pending against him.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Smt. G. Julie Augustine,
W/o. G. Augustine, Assistant Commercial Tax Officer (Expired)
through the Commissioner, Commercial Taxes, AP, Hyderabad
The Commissioner of Commercial Taxes, A.P, Hyderabad

Copy to:

The Pay and Accounts Officer, AP, Hyderabad.
The Accountant General, AP, Hyderabad.
The Deputy Commissioner, CT, Hyderabad (Rural) Division, Hyderabad.
PS to Prl. Secretary to Government, Revenue Department.
SF.

//Forwarded :: By Order //

SECTION OFFICER.